

Entered - 2-26-04 - sb
CL 04L0126 - GWENDOLYN BURNS

CLAIM OF: **RODERICK EUBANKS**
1537 Cherry Hill Road
Conyers, Georgia 300094

04- R-0827

For vehicular damages alleged to have been sustained from the falling ice that accumulated on the wires of the radio tower due to a winter storm on February 3, 2004 at 315 Chester Avenue, SE.

**BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **RODERICK EUBANKS** the sum of **\$1,820.39** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained from the falling ice that accumulated on the wires of the radio tower due to a winter storm on February 3, 2004 at 315 Chester Avenue, SE as is more particularly set forth in the within claim; said sum taken from and charged to account **2P01/529017/T31001**.

APPROVED: **LINDA K. DISANTIS**
CITY ATTORNEY

BY: [Signature]
FAVORABLE REPORT
PUBLIC SAFETY & DEPUTY CITY ATTORNEY

LEGAL ADMINISTRATION COMMITTEE

DATE: 5/11/04

CHAIR: [Signature]

C. T. Martin

Paul Smy

Carla Smith

ADOPTED

MAY 17 2004

[Signature]
APPROVED
MAY 25 2004
MAYOR



**MUNICIPAL CLERK
ATLANTA, GEORGIA**

04-R-0827

A RESOLUTION

**BY PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE**

BE IT RESOLVED BY the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Roderick Eubanks** in the sum of **\$1,820.39** settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained from the falling ice that accumulated on the wires of the radio tower due to a winter storm on February 3, 2004 at 315 Chester Avenue, SE as set forth in the within claim; said sum taken from and charged to Account 2P01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

Phonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

MAY 17, 2004
MAY 25, 2004

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0126

Date: April 27, 2004

Claimant /Victim RODERICK EUBANKS
BY: (Atty) (Ins. Co.) _____
Address: 1537 Cherry Hill Road, Conyers, Georgia 30034
Subrogation: _____ Claim for Property damage \$ 1,820.39 Bodily Injury \$ _____
Date of Notice: 2/18/04 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 2/3/04 Place: 315 Chester Avenue, SE
Department PUBLIC WORKS Division Solid Waste Services
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant's vehicle sustained damage from falling ice while parked at the Chester Avenue Substation. An investigation determined that during a winter storm, ice accumulated on the radio tower and wires located above the substation. When the ice started to melt it began to fall to the ground during the morning hours of operation. The City made several attempts to move all vehicles out of the radius of the tower to prevent property damage from occurring. However, the tower's radius was much larger than calculated and the ice continued to fall causing damage to private and city vehicles. The City was on notice of said hazard but failed to successfully abate the nuisance.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures X Diagrams _____ Reports: Police _____ Dept Report X Other X
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial X
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable X
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR: GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 1,820.39 Adverse _____ Account charged: 1A01 _____ 2J01 _____ 2P01 X 2H01 _____
Claims Manager:  Concur/date 04/29/04
Committee Action: _____ Council Action _____

RCS# 5712
5/17/04
2:10 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 1-13 EXCEPT:04-R-0876
04-R-0911 04-R-0835 04-R-0882
ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 0
EXCUSED: 0
ABSENT 1

Y Smith	Y Winslow	Y Shook	Y Martin	Y Norwood
Y Starnes	Y Archibong	Y Muller	B Maddox	Y Willis
Y Young	Y Fauver	Y Moore	Y Mitchell	

CONSENT I

3-01-04 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT
1. 04-O-0858 2. 04-O-0869 3. 04-O-0372 4. 04-O-0373 5. 04-O-0641 6. 04-O-0642 7. 04-O-0646 8. 04-O-0648 9. 04-O-0650 10. 04-O-0652 11. 04-O-0653 12. 04-O-0656 13. 04-O-0657 14. 04-O-0874 15. 04-O-0488 16. 04-O-0700 17. 04-O-0872 18. 04-O-0660 19. 04-O-0661 20. 04-O-0873 21. 03-R-2228 22. 04-R-0805 23. 04-R-0806 24. 04-R-0808 25. 04-R-0809 26. 04-R-0822 27. 04-R-0859 28. 04-R-0882 29. 04-R-0889 30. 04-R-0369 31. 04-R-0870 32. 04-R-0876 33. 04-R-0815 34. 04-R-0847 35. 04-R-0862 36. 04-R-0863 37. 04-R-0821 38. 04-R-0807 39. 04-R-0811 40. 04-R-0812	41. 04-R-0813 42. 04-R-0865 43. 04-R-0824 44. 04-R-0825 45. 04-R-0826 46. 04-R-0827 47. 04-R-0828 ITEMS ADVERSED ON CONSENT 48. 04-R-0829 49. 04-R-0830 50. 04-R-0831 51. 04-R-0832 52. 04-R-0833 53. 04-R-0834 54. 04-R-0836 55. 04-R-0837 56. 04-R-0838 57. 04-R-0839 58. 04-R-0840 59. 04-R-0841 60. 04-R-0842 61. 04-R-0843 62. 04-R-0844 63. 04-R-0845 64. 04-R-0846

RECEIVED FEB 18 RECD

BURNS
02/18/04

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK

City Hall
55 Trinity Avenue SW
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: Feb 2, 2004

ENTERED - 2-26-04 - SB
04L0126 - GWEN BURNS

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 1,820.39 for property and/or, \$ _____ for bodily injury for which I contend the City is liable.

1. Date of incident Feb 2, 2004 2. Time of incident 10:00 a.m. 3. Police called no
(Month/Day/Year) Yes No
4. Location of incident (including street address): City Facility-315 Chester Avenue, Atlanta, GA 30316
5. Name of your insurance company: Traveler's Indemity Company Policy No: 943300563
6. State what and how the incident occurred: Ice falling from tower located next to City Facility
fell on my car.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: Toyota Camary 1996 779 RRY Eubanks, Roderick
(Make) (Year) (Tag Number) (Driver's Name)

City Vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: Angela Green, Supervisor (404) 523-0632
(Name) (Address) (Telephone Number)

10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State Law, nor is it admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE
INFORMATION IS TRUE AND CORRECT.

Roderick Eubanks
Signature of Claimant

Roderick Eubanks
Print Claimant's Name

1537 Cherry Hill Road
Address

Conyers, GA 30094
City, State and Zip Code

(404) 523-0632 (770) 388-0441
Work Number Home Number

04-R -0827